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December 3, 2020

VIA ECF

The Honorable Ona T. Wang  
United States Magistrate Judge  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *In re Application of Vale S.A., Vale Holdings B.V., and Vale International S.A. for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in Foreign Proceedings*, No. 20-mc-199-JGK-OTW

Dear Judge Wang:

We write on behalf of Vale S.A., Vale Holdings B.V., and Vale International S.A. (collectively, “Vale”) to keep the Court abreast of developments in the underlying foreign proceedings relevant to the Application (the “English Proceedings”), which warrant the prompt adjudication of the pending motions to quash in the above-captioned application to conduct discovery pursuant to 28 U.S.C. § 1782 (the “Application”).

Vale filed the Application on April 24, 2020. The Court granted the Application on July 20, 2020, and set an initial deadline for any motions to quash for July 31, 2020. ECF No. 45 at 9. The Court subsequently granted two extensions of the deadline at the Respondents’ request. ECF Nos. 51, 54. On September 14, 2020, HFZ Capital Group LLC on behalf of 26 HFZ entities and associated individuals (collectively, “HFZ”), Perfectus Real Estate Corp. and Tarpley Belnord Corp. (collectively, “Perfectus”), and RFR Holding LLC, RFR Realty LLC, R&S Chrysler LLC, and Aby Rosen (collectively “RFR”), submitted three separate motions to quash or narrow the subpoenas served by Vale (the “Subpoenas”). ECF Nos. 58, 59, 63. Vale submitted its opposition to those motions on September 17, 2020, and the motions have been *sub judice* since that date. ECF No. 66. The remaining Respondents, Fine Arts NY LLC, Bryan

The Honorable Ona T. Wang, p. 2

Cave Leighton Paisner LLP, and Kenneth Henderson, did not seek relief from the Court to narrow or quash the Subpoenas.

Although it has now been more than seven months since Vale filed the Application, and more than four months since the Court granted it, 32 of the 35 Respondents have still not produced a *single* document responsive to Vale's Subpoenas. The other three Respondents have produced documents responsive to only a handful of the requests contained in Vale's Subpoenas. It seems apparent that a court order is required in order for Vale to receive meaningful, if any, productions.

The High Court of England and Wales has held its initial case management conference in the underlying English Proceedings, where it established discovery deadlines and set a trial date. As a result, discovery is now underway, with a deadline for the completion of party document productions of March 22, 2021. As that date will soon be upon us, and we are mindful that there will necessarily be a period of delay between this Court's ruling and Vale's receipt of any documents ordered to be produced, we respectfully request that the Court rule promptly on the pending motions.

Thank you for Your Honor's consideration.

Respectfully submitted,

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